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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,739	07/09/2003	Ching Wen Liu	13854 B	2767
36672	7590	11/10/2004	EXAMINER	
CHARLES E. BAXLEY, ESQ. 90 JOHN STREET THIRD FLOOR NEW YORK, NY 10038			WUJCIAK, ALFRED J	
			ART UNIT	PAPER NUMBER
			3632	

DATE MAILED: 11/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/616,739	LIU, CHING WEN
	Examiner Alfred Joseph Wujciak III	Art Unit 3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 25 August 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1 and 2 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1 and 2 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 09 July 2003 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

This is the final Office Action for the serial number 10/616,739, SUSPENDING STRUCTURE FOR CEILING FAN, filed on 7/9/03.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent # 6,520,468 to Lee et al. in view of US Patent # 6,139,279 to Pearce et al.

Lee et al. teaches a suspending structure comprising a mounting bracket (10) with a sunk platform and at the periphery of the same defined with a plurality of openings (4). The sunk platform of the mounting bracket defined with a hole (5) having a gap (9) formed at a side thereof. The mounting bracket is employed to be fixed to wall surface (ceiling). The suspending structure comprises a c-shaped ring (3) employed to be corresponding received in the sunk platform of the mounting bracket. The C-ring having a center with a hole for corresponding to that of the mounting bracket. The structure includes a downrod (21) provided with a motor of ceiling fan (21) and its rod portion being able to pass through the gap of the mounting bracket. The downrod having a cupped suspending element (22a) located at top end thereof. The suspending structure further includes a limiter (7) employed to fix to the mounting bracket and

located at outside of the gap of the mounting bracket and a holding piece (8) for positioning control components of the ceiling fan.

Lee et al. teaches all elements above but fails to teach the suspending structure includes a canopy. Pearce et al teaches the canopy (figure 9) being in the shape of a cup and provided with a slot (153). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have added canopy to Lee et al.'s suspending structure as taught by Pearce to cover the mounting bracket and to improve appearance of the suspending structure and also to limit the movement of rod within the canopy.

Response to Arguments

Applicant's arguments filed 8/25/04 have been fully considered but they are not persuasive.

With respect to applicant's argument on page 2, stating that Pearce fails to show "a slot that is sized to permit the swing of the download (should be downrod) therein, and the canopy of the Pearce is unable to cover the motor of the ceiling fan either." In figure 10 of Pearce invention shows that element 153 is formed of a slot designed to allow the downrod to pivot (col. 5, lines 50-65) when the suspending structure is mounted on the ceiling. In applicant's invention, the claim did not explain that canopy is designed for covering the motor of the ceiling fan and that the claim cited the canopy is mounted on the downrod, which is found in Pearce's reference. Pearce's invention shows that the canopy is mounted on the downrod.

On page 3 of applicant's argument stating that "the central mount 2 of Lee itself is an independent unit and needs to be produced separately from the mounting bracket 10, thus, Lee's

assembly is time-consuming and high cost relative to the present invention.” In claim, lines 2-7 did not specifically state that the sunk platform is integral to the mounting bracket.

In the middle paragraph of applicant’s argument on page 3 stating that “Nevertheless, the fixing plate 3 of Lee is thin in thickness and unable to provide a stable support for the ball 22 (the suspending element), and the fixing plate 3 actually plays the same role as the limiter 40 of the present invention to prevent the disengagement of the down rod from the mounting bracket.” The examiner disagrees with the applicant because in specification of Lee’s invention explained how the fixing plate 3 is used for securing the upper surface of the ball within the central mount (col. 2, lines 47-55).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alfred Joseph Wujciak III whose telephone number is (703) 306-5994. The examiner can normally be reached on 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A Braun can be reached on 703 308 2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alfred Joseph Wujciak III
Examiner
Art Unit 3632

ASW
11/2/04


LESLIE A. BRAUN
SUPERVISORY PATENT EXAMINER